



# St. Leonard's Catholic Primary School

*Aspiring to Excellence*

## Privacy Policy Including Data Collection

### Rationale:

- The School collects personal information, including sensitive information about students and parents or guardians and family members before and during the course of a student's enrolment at the School. This may be in writing or in the course of conversations and may be direct from the individual or from another source. The primary purpose of collecting this information is to enable the School, Catholic Education Offices and the Catholic Education Commission of Victoria Ltd (CECV) to meet its educational, administrative and duty of care responsibilities to the student to enable them to take part in all the activities of the School.
- Protecting the personal and health information of staff and students is a serious moral, professional and legal responsibility that our school recognises and accepts.

### Aims:

- To collect, handle, use, store and disclose personal and health information of staff and students in a manner compliant with the National Privacy Principles contained in the Commonwealth Privacy Act for administrative, educational and support purposes (or may permit the information to be directly collected by third parties).

### Implementation:

- This Privacy Policy sets out how the School manages personal information provided to or collected by it.
- The School is bound by the Australian Privacy Principles (APPs) contained in the Commonwealth *Privacy Act 1988*. In relation to health records, the School is also bound by the *Health Records Act 2001 (Vic.)* and the Health Privacy Principles in that Act.
- Health information about students (which includes information about any disability as defined by the Disability Discrimination Act 1992) is sensitive information within the terms of the Australian Privacy Principles (APPs) under the Privacy Act 1988. The School may require medical reports about students from time to time and may otherwise collect sensitive information about students and their families.
- The School may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to the School's operations and practices and to make sure it remains appropriate to the changing school environment.
- Some of the information the School collects is to satisfy the School's legal obligations, particularly to enable the School to discharge its duty of care.
- Laws governing or relating to the operation of a school require certain information to be collected and disclosed. These include relevant Education Acts and Public Health and Child Protection laws.

### **What kind of personal information does a school collect and how does a school collect it?**

The type of information the School collects and holds includes (but is not limited to) personal information, including health and other sensitive information, about:

- The school is required by the Federal Australian Education Regulation (2013) and Australian Education Act 2013 (Cth) (AE Act) to collect and disclose certain information under the

Nationally Consistent Collection of Data (NCCD) on students with a disability. The school provides the required information at an individual student level to the Catholic Education Offices and the CECV, as an approved authority. Approved authorities must comply with reporting, record keeping and data quality assurance obligations under the NCCD. Student information provided to the federal government for the purpose of the NCCD does not explicitly identify any student.

- pupils and parents and/or guardians ('Parents') before, during and after the course of a pupil's enrolment at the School which may include;
  - o name, contact details (including next of kin), date of birth, gender, language background, previous school and religion
  - o Parents' education, occupation and language background
  - o medical information (e.g. details of disability and/or allergies, and details of any assistance the student receives in relation to those disabilities, medical reports, names of doctors)
  - o conduct and complaint records, or other behaviour notes, school attendance and school reports
  - o information about referrals to government welfare agencies
  - o counselling reports
  - o health fund details and Medicare number
  - o any court orders
  - o volunteering information (including Working With Children Checks)
  - o photos and videos at school events.
- job applicants, staff members, volunteers and contractors, including:
  - o name, contact details (including next of kin), date of birth and religion
  - o information on job application
  - o professional development history
  - o salary and payment information, including superannuation details
  - o medical information (eg details of disability and/or allergies and medical certificates)
  - o complaint records and investigation reports
  - o leave details
  - o photos and videos at school events
  - o work emails and private emails (when using work email address) and internet browsing history
- other people who come into contact with the School, including name and contact details and any other information necessary for the particular contact with the School.

**Personal Information you provide:** The School will generally collect personal information held about an individual by way of forms filled out by Parents or pupils, face-to-face meetings and interviews, emails and telephone calls. On occasions people other than Parents and pupils provide personal information.

**Personal Information provided by other people:** In some circumstances the School may be provided with personal information about an individual from a third party, for example a report provided by a medical professional or a reference from another school. The type of information the School may collect from another school may include:

- academic records and/or achievement levels
- information that may be relevant to assisting the new school meet the needs of the student including any adjustments

**Exception in relation to employee records:** Under the Privacy Act, the Australian Privacy Principles do not apply to an employee record. As a result, this Privacy Policy does not apply to the School's treatment of an employee record unless required by law or organisational policy where the treatment is directly related to a current or former employment relationship between the School and employee. The School handles staff health records in accordance with the Health Privacy Principles in the *Health Records Act 2001 (Vic.)*

**Anonymity:** The School needs to be able to identify individuals with whom it interacts and to collect identifiable information about them to facilitate the delivery of schooling to its students and its educational and support services, conduct the job application process and fulfil other obligations and processes. However, in some limited circumstances some activities and interactions with the School may be done anonymously where practicable, which may include making an inquiry, complaint or providing feedback.

**How will a school use the personal information you provide?**

The School will use personal information it collects from you for the primary purpose of collection, and for such other secondary purposes that are related to the primary purpose of collection and reasonably expected by you, or to which you have consented.

**Pupils and Parents:** In relation to personal information of pupils and Parents, the School's primary purpose of collection is to enable the School to provide schooling for the pupil. This includes satisfying the needs of Parents, the needs of the pupil and the needs of the School throughout the whole period the pupil is enrolled at the School.

The purposes for which the School uses personal information of pupils and Parents include:

- to keep Parents informed about matters related to their child's schooling, through correspondence, newsletters and magazines;
- day-to-day administration of the School;
- looking after pupils' educational, social and medical wellbeing;
- seeking donations and marketing for the School; and
- to satisfy the School's legal obligations and allow the School to discharge its duty of care.

If any personal information requested by the School is not provided, this may affect the School's ability to enrol a student, respond to enquiries, provide the student with educational and support services or allow a person to visit the School.

**Job applicants and contractors:** In relation to personal information of job applicants and contractors, the School's primary purpose of collection is to assess and (if successful) to engage the applicant, or contractor, as the case may be.

The purposes for which the School uses personal information of job applicants and contractors include:

- in administering the individual's employment or contract, as the case may be;
- for insurance purposes;
- seeking donations and marketing for the School; and
- to satisfy the School's legal obligations, for example, in relation to child protection legislation.

**Volunteers:** The School also obtains personal information about volunteers who assist the School in its functions or conduct associated activities, such as [alumni associations], to enable the School and the volunteers to work together.

**Counsellors:** The School contracts with external providers to provide counselling services for some students. The principal may require the Counsellor to inform him or her or other teachers of any issues the principal and the Counsellor believe may be necessary for the School to know for the well-being or development of the student who is counselled or other students at the School.

**Parish:** The School may disclose limited personal information to the school parish to facilitate religious and sacramental programs, and other activities such as fundraising.

**Marketing and fundraising:** The School may engage in fundraising activities. Information received from you may be used to make an appeal to you. [It may also be disclosed to organisations that assist in the School's fundraising activities solely for that purpose.] We will not disclose your personal information to third parties for their own marketing purposes without your consent.

Parents, staff, contractors and other members of the wider School community may from time to time receive fundraising information. School publications, like newsletters and magazines, which include personal information, may be used for marketing purposes.

## **Who might a school disclose personal information for administrative, educational and support purposes (or may permit the information to be directly collected by third parties)?**

The School may disclose personal information, including sensitive information, held about an individual for educational, administrative and support purposes. This may include to:

- School service providers such as the CECV, Catholic Education Offices, school governing bodies and other dioceses
- third party service providers that provide online educational and assessment support services or applications (apps) , which may include email and instant messaging
  - Apps currently used by the school where personal information may be stored are:
    - Skoolbag
    - Smartsheet
    - Seesaw
    - CareMonkey
- School systems, including the Integrated Catholic Online Network (ICON) and Google's 'G Suite' including Gmail. Limited personal information may be collected and processed or stored by these providers in connection with these services. St Leonard's stores and uploads information about students such educational records (projects, documents, email, files, usernames and passwords, personalised learning plans, behaviour support plans, student safety plans, PSG documentation, medical allied health reports and other educational information collected).
- CECV and Catholic Education Offices to discharge its responsibilities under the *Australian Education Regulation 2013* (Regulation) and the *Australian Education Act 2013* (Cth) (AE Act) relating to students with a disability, including ongoing evaluation of funding adequacy for individual students
- CECV to support the training of selected staff in the use of schools' systems, such as ICON
- another school to facilitate the transfer of a student
- Federal and State government departments and agencies acting on behalf of the government e.g. for audit purposes
- health service providers, and people providing educational support and health services to the School, including specialist visiting teachers, sports coaches, volunteers, counsellors and providers of learning and assessment tools
- assessment and educational authorities, including the Australian Curriculum, Assessment and Reporting Authority
- people providing administrative and financial services to the School
- anyone you authorise the School to disclose information to; and
- anyone to whom the School is required or authorised to disclose the information to by law, including under child protection laws.

## **Disclosure of Personal Information for other purpose:**

On occasions information such as academic and sporting achievements, student activities and similar news is published in School newsletters and magazines, on our intranet [and on our website]. This may include photographs and videos of student activities such as sporting events, school camps and school excursions. The School will obtain permissions from the student's parent or guardian (and from the student if appropriate) prior to publication to enable the school to include such photographs or videos [or other identifying material] in our promotional material or otherwise make this material available to the public such as on the internet. The school may obtain permissions annually, or as part of the enrolment process. Permissions obtained at enrolment may apply for the duration of the student's enrolment at the school unless the school is notified otherwise. Annually, the school will remind parents and guardians to notify the school if they wish to vary the permissions previously provided. [We may include students and parents' or guardians' contact details in a class list and School directory.]

## **Sending and storing information overseas:**

The School may disclose personal information about an individual to overseas recipients, for instance, to facilitate a school exchange. However, the School will not send personal information about an individual outside Australia without:

- obtaining the consent of the individual (in some cases this consent will be implied); or

- otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

The School may also use cloud computing service providers to store personal information (which may include sensitive information) on their servers in the 'cloud'. These servers may be located in or outside Australia. This may mean that personal information may be stored or processed outside Australia.

The School makes reasonable efforts to be satisfied about the protection of any personal information that may be collected, processed and stored outside Australia in connection with any cloud and third party services and will endeavour to ensure it will be located in countries with substantially similar protections as the APPs.

When the School uses Google's G-Suite including Gmail, some personal information (usually limited to name and email address) about students, parents or guardians may be transferred, stored and processed by Google in the United States, or in any other country through which Google provides these services or where it processes and stores information. This personal information will be stored and processed by Google in accordance with Google's terms and conditions stated in the G-Suite for Education Agreement which the school entered into with Google.

### **How does the school treat sensitive information?**

In referring to 'sensitive information', the School means: information relating to a person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, philosophical beliefs, sexual orientation or practices or criminal record, that is also personal information; health information and biometric information about an individual.

Sensitive information will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless you agree otherwise, or the use or disclosure of the sensitive information is allowed by law.

If you provide the School with the personal information of others, such as other family members, doctors or emergency contacts, we encourage you to inform them you are disclosing that information to the School and why, that they can request access to and correction of that information if they wish and to also refer them to the School's Privacy Policy for further details about such requests and how the School otherwise handles personal information it collects and complaints it receives.

### **Management and security of personal information**

The School's staff are required to respect the confidentiality of pupils' and Parents' personal information and the privacy of individuals.

The School has in place steps to protect the personal information the School holds from misuse, interference and loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and password access rights to computerised records.

Where personal, including sensitive information is held by a cloud computing service provider on behalf of CECV for educational and administrative purposes, it may be stored on servers located within or outside Australia.

School personnel and the school's service providers, and the CECV and its service providers, may have the ability to access, monitor, use or disclose emails, communications (e.g. instant messaging), documents and associated administrative data for the purposes of administering the ICON system and ensuring its proper use.

The School may disclose limited personal information to the school parish to facilitate religious and sacramental programs, and other activities such as fundraising.

## **Access and correction of personal information**

Under the Commonwealth Privacy Act and the Health Records Act, an individual has the right to obtain access to any personal information and health records respectively which the School holds about them and to advise the School of any perceived inaccuracy. Pupils will generally be able to access and update their personal information through their Parents, but older pupils may seek access and correction themselves.

There are some exceptions to these rights set out in the applicable legislation.

To make a request to access or update any personal information the School holds about you or your child, please contact the School Principal in writing. The School may require you to verify your identity and specify what information you require. The School may charge a fee to cover the cost of verifying your application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, the School will advise the likely cost in advance. If we cannot provide you with access to that information, we will provide you with written notice explaining the reasons for refusal.

## **Consent and rights of access to the personal information of pupils**

The School respects every Parent's right to make decisions concerning their child's education.

Generally, the School will refer any requests for consent and notices in relation to the personal information of a pupil to the pupil's Parents. The School will treat consent given by Parents as consent given on behalf of the pupil, and notice to Parents will act as notice given to the pupil.

As mentioned above, parents may seek access to personal information held by the School about them or their child by contacting the School Principal. However, there will be occasions when access is denied. Such occasions would include where release of the information would have an unreasonable impact on the privacy of others, or where the release may result in a breach of the School's duty of care to the pupil.

The School may, at its discretion, on the request of a pupil grant that pupil access to information held by the School about them, or allow a pupil to give or withhold consent to the use of their personal information, independently of their Parents. This would normally be done only when the maturity of the pupil and/or the pupil's personal circumstances so warranted.

## **Updating personal information**

Each school endeavours to ensure that the personal information it holds is accurate, complete and up-to-date. A person may seek to update their personal information held by a school by contacting the School Secretary of the school at any time.

The National Privacy Principles require a school not to store personal information longer than necessary.

## **Policy access, enquiries and complaints**

The School's Privacy Policy is accessible via the school website, newsletter, handbook, or from the School office. The policy sets out how parents, guardians or students may seek access to, and correction of their personal information which the School has collected and holds. However, access may be refused in certain circumstances such as where access would have an unreasonable impact on the privacy of others, or may result in a breach of the School's duty of care to the student, or where students have provided information in confidence. Any refusal will be notified in writing with reasons if appropriate.

The School's Privacy Policy also sets out how parents, guardians, students and their family can make a complaint if they believe the School has interfered with their privacy.

If you would like further information about the way the School manages the personal information it holds about you, or wish to complain that you believe that the School has breached its privacy obligations, please contact the school Principal by writing or telephone at [principal@leonardsgwav.catholic.edu.au](mailto:principal@leonardsgwav.catholic.edu.au) or 9560 8491. The School will investigate your complaint and will notify you of the making of a decision in relation to your complaint as soon as is practicable after it has been made.

If you are not satisfied with the School's decision you may make a complaint to the Office of the Australian Information Commissioner (OAIC) whose contact details are:

GPO Box 5218, Sydney, NSW 2001

Telephone: 1300 363 992

[www.oaic.gov.au](http://www.oaic.gov.au)

## **Evaluation**

This policy was reviewed in 2020.

This policy will be reviewed as part of the school's four year review cycle or as required.